

**BOARD OF SELECTMEN  
TOWN OF TEWKSBURY  
TOWN HALL  
1009 MAIN ST  
TEWKSBURY, MASSACHUSETTS 01876**

**TODD R. JOHNSON, CHAIRMAN  
BRUCE PANILAITIS, Ph.D., VICE CHAIRMAN  
MARK S. KRATMAN, CLERK  
DAVID H. GAY  
JAMES D. WENTWORTH**

**TEL (978) 640-4300  
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**MEETING MINUTES  
AUGUST 18, 2015**

Chairperson Todd Johnson called the meeting to order at 6:00 p.m. Present for the Board of Selectmen meeting were Bruce Panilaitis, David Gay, and Mark Kratman; Town Manager, Richard Montuori; and Senior Town Counsel, Charles Zaroulis were also present. Selectman, James Wentworth was not present.

**Interviews for Economic Development Associate Member**

The meeting was called to order at 6:00 p.m. in public session to conduct three interviews for the Economic Development Committee Associate Member position. The interviews were conducted by Selectmen Todd Johnson, Bruce Panilaitis, David Gay and Mark Kratman. The residents interviewed were Diane M. LeBoeuf, Tom Branchaud, and Patrick J. Lawlor.

This portion of the agenda ended at 6:53 p.m. The Board took recess until 7:00 p.m.

At 7:00 start the Chair reopened the meeting and began with the following agenda items as posted:

**Wamesit Entertainment Center—Liquor License Hearing**

The Chair read the public hearing notice into the record. Mr. Donald R. McLaren, Manager of Wamesit Entertainment Center, Inc. is applying for a license to sell all alcoholic beverages as a common victualler located at premises of 434 Main Street, Tewksbury. The premises is described as a mixed use family leisure time activity center consisting of 36 lanes of candle pin and ten pin bowling, an arcade area, an indoor golf simulator area, dining area and bar, main restaurant, a bocce court, an outside patio for seasonal dining, along with a full service kitchen.

Mr. Donald McLaren (Mr. McLaren) and Mr. Donald R. McLaren were present for this discussion. The premises was explained in detail, and notably mentioned was the entertainment offered to the public along with the microbrew pubs and the desire for this business to cater to family and corporate entertainment. The entire facility is handicapped accessible and does not have an elevation change in the entire building. Mr. Donald R. McLaren will be the manager of the alcohol. He attended a week-long training on management of alcohol and had the opportunity to shadow other trained management representatives at a large complex while at training. Mr. McLaren also made note that they are actively employing the correct people into the business. The liquor license will encompass inside the complex and the outdoor patio, which will have gas operated, glass faced fire pits. The outside patio is only accessible through the inside of the building with the exception of the emergency exits.

All commentary from the department heads was positive. The planned soft opening will be in the beginning of October and a grand opening will be at the end of October. The soft openings would include a small fundraiser. One event will specifically be for the Wounded Warrior Project.

Most of the construction has been by local builders and contractors and the hope is to have the majority of employment be for local residents as well.

The Chair opened the hearing up the public for comment.

Mr. Chris Colantuonio abutter of Tewksbury Florist asked for an 8-foot fence to be installed to keep the two properties separate. The Selectmen were not able to put this into the permit as it is mandated by the Commonwealth.

**MOTION: Mr. Gay made the motion to approve the liquor license for Wamesit Entertainment Center as presented; seconded by Mr. Panilaitis and the motion carried 4-0. Mr. Wentworth was not present for this vote.**

#### **Wamesit Entertainment Center—Entertainment License Hearing**

The Chair read the public hearing notice into the record. Mr. Donald R. McLaren, Manager of Wamesit Entertainment Center, Inc. is applying for an entertainment license from Thursday through Sunday, from 12:00 p.m. to 12:00 a.m. for live music, dancing by patrons, use of amplification(s) system, light show of any description, recorded music, dancing by entertainers or performers, audio or visual show whether live or recorded in the lounge area of the restaurant and outside patio dining area for the premises located at 434 Main Street, Tewksbury, MA.

The applicant is not looking for live bands and is not looking to shake up the neighborhood with blaring light shows. The entertainmnet would be non-disruptive with lighting and light music for patrons while having a drink outside mainly on Thursday or Friday nights. Right now the facility does not have the room for live bands and at this time is not looking for this capability.

The Chair noted this is a very delicate subject and encouraged strong communication with all neighbors in the area. Licenses are renewed annually, and any changes to the license would require a public hearing. A number of abutters were notified of this hearing. A list of abutters was provided to the Selectmen.

Mr. Chris Colantuonio came forward to speak on the matter. He and his family are all in agreement to move ahead with the license and requested to have a specification to limit entertainment to acoustic music only outside. The reason for this request was to insure if the permit was transferred to another owner there would be no misunderstanding on the intention of the type live music outside. The Selectmen and the applicant discussed this proposal and agreed to insert this language.

**MOTION: Mr. Panilaitis made the motion to approve the license of Wamesit Entertainment Center on Thursday through Sunday from 12:00 p.m. to 12:00 a.m. and to restrict exterior music to acoustic only for the hours of the license as presented; seconded by Mr. Kratman and the motion carried 4-0. Mr. Wentworth was not present for this vote.**

**Aubut's Liquors, Inc.—Transfer of Stock/New Stockholders/Change of Manager/New Officers and Directors**

The Chair read the public notice into the record which stated Aubut's Liquors, Inc. by Mr. Joseph A. Aubut, Jr., President, is requesting to transfer stock to Joseph A. Aubut, Jr. and Debra Aubut for the license to sell all alcoholic beverages as a package store on the premises located at 1768 Main Street.

A second notice was read into the record as Mr. Joseph A. Aubut, Jr., current manager is also requesting a change of manager to Reema Patel of Rishi, Inc. d/b/a Aubuts Liquors. The applicant is also requesting a pledge of license to Kamlesh Patel.

Attorney James Hall and Attorney Pete Nicosia were both present. Attorney Hall noted the quarterly tax bill had been paid and receipts were provided to the town. Town Counsel has reviewed the application and has no concerns on the matter.

The Chair opened the hearing up to the public. There was no one in the audience who rose to speak on this matter.

The Chair also noted that the town's policy is to not pledge licenses. The applicant's attorney noted this and withdrew this request.

**MOTION: Mr. Gay made the motion to approve the Transfer of Stock/ New Stockholders/ Change of Manager/ New Officers and Directors as presented with the pledge of license removed; seconded by Mr. Panilaitis and the motion carried 4-0. Mr. Wentworth was not present for this vote.**

**Aubuts Liquors, Inc.—Liquor License Transfer Hearing**

The Chair read the public notice into the record. On the request of Aubut's Liquors, Inc. by Joseph A. Aubut, Jr., President to transfer all alcohol package store licenses to Rishi, Inc., d/b/a Aubut's Liquors, by Reema Patel, Manager, on premises located at 1768 Main Street, Tewksbury MA. The applicant is also requesting a pledge of license to Kamlesh Patel.

Attorney Peter Nicosio and the two principle sole stockholders, Reema Patel and Ravi Patel were present. The Selectmen noted the application is comprehensive. No changes to the business or structure had been made and the business will operate at the same hours with the same services. The applicants understand the license is a privilege and have been well advised about the laws. Mr. Ravi Patel has experience in this business and owns a liquor store in Dracut.

Tewksbury does not allow for pledges and the applicant had not issue removing the pledge of license from the request. Counsel withdrew the pledge of license.

The Chair opened the hearing up to the public. There was no one in the audience who rose to speak on this matter.

**MOTION: Mr. Panilaitis made the motion to approve the transfer of license for Aubut's Liquors Inc. as presented with the pledge of license removed; seconded by Mr. Gay and the motion carried 4-0.**

## Housing Discussion

The Selectmen have been having a lot of discussion around housing in town and the Local Housing Partnership in conjunction with the Tewksbury Housing Authority held a Tewksbury Housing Summit. Some solutions discussed at this summit were presented to the selectmen.

Steve Sadwick gave the presentation. Also present was Judi Barrett of RKG Associates, who worked on the presentation with Mr. Sadwick. Ms. Barrett is a consultant for the town and she worked on the Tewksbury Master Plan in 2003. The updated the master plan will be released in the next month. Planning Board Members Keith Anderson, Stephen Johnson and Robert Fowler were present as were members of the Local Housing Partnership Steven Deackoff and Greg Peters. Brenda Gould of Habitat for Humanity also sat in on this discussion.

# Tewksbury Housing Summit

Board of Selectmen  
August 18, 2015



## Topics to be Covered



- How has Tewksbury grown?
- Where does affordable housing fit into the Town's housing development history?
- What has Tewksbury done to address housing needs and manage the development of affordable housing? **2**
- What have Tewksbury's housing plans said?
- What does Tewksbury need to do in the near future?



# History of Housing Development in Tewksbury: 1970 to the Present

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## 1970s through 2000



- Housing growth: 94% increase from early 1970s to 2000.
- Due to significant apartment and condominium development during this period, multifamily units comprised 22% of Tewksbury's housing inventory.
- By 2000, Tewksbury's entire housing supply included 10,158 units.
- Tewksbury's housing growth rate surpassed that of the larger Boston region, but similar trends occurred in other communities along the northern arc of I-495.

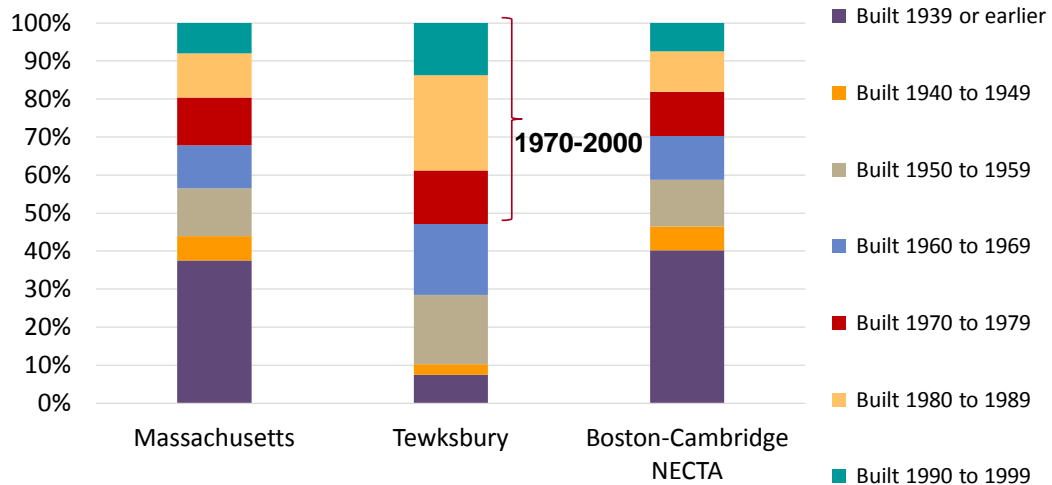
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## Comparison Profile: Eras of Housing Growth: Pre-1939 to 1999

(Source: ACS 2009-2013)



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## Moving Forward: 2000-2015



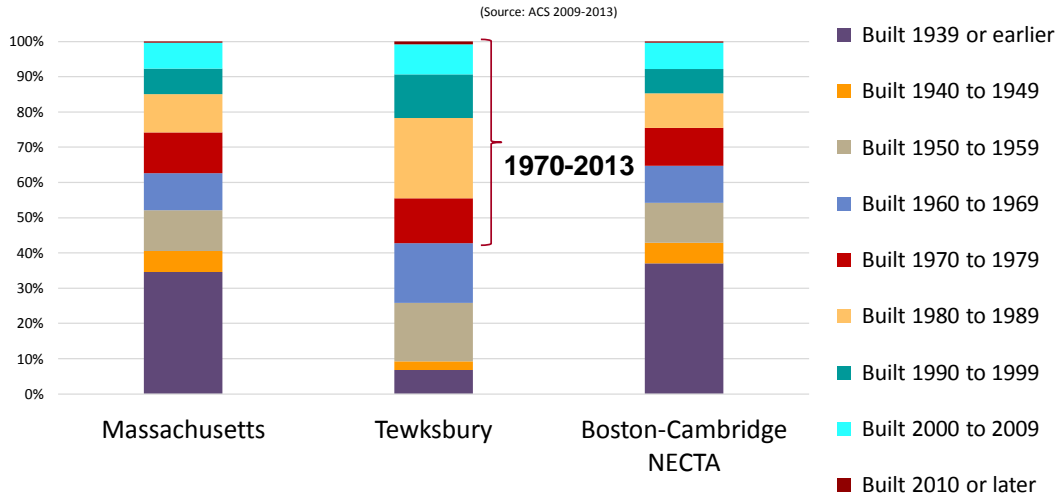
- Since 2000, Tewksbury has gained 1,111 new housing units
- Many are multi-family units developed under Chapter 40B.
- Zoning changes from R40 and HI to MFD and CVOD between 2002 and 2014 intensified residential development on 77.82 acres, allowing for 293 additional multi-family units.
- In 2015, 274 more multi-family units have been permitted.

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## Comparison Profile: Eras of Housing Growth – Pre-1939 to 2013



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# History of Affordable Housing Initiatives and Development in Tewksbury

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## Affordable Housing Initiatives

- Early developments: mainly Tewksbury Housing Authority
- 2002 Subsidized Housing Inventory: **4.05%**
- 2002 Inclusionary Zoning: Increase MFD density from 6 to 7 units per acre and required 15% as affordable or pay fee in lieu of providing unit
- 2003: Creation of Affordable Housing Trust Fund by Special Legislation
- 2006: Tewksbury adopted the Community Preservation Act
- 2006: Affordable Housing Plan and Planned Production

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## Affordable Housing 2005-2014

- 2005- 2014: Comprehensive Permits/subsidized housing contributed 550 units, including 478 rental units.
- 2005-2014: Zoned multi-family developments approved with 231 units and 35-unit obligation for affordable units.
- \$1,857,924 paid to the AHTF for the fee in lieu of providing the affordable unit on site.
- \$853,080 received by AHTF through CPA transfers and payments from other developments

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**Subsidized Housing Inventory: 9.6%**

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# Town's Actions in Affordable Housing

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## Local Initiative Program and AHTF/CPA Contributions



- Participated in Local Initiative Program Comprehensive Permit for 8 homeownership units on Highland Avenue.
- AHTF contribution to move/ repair donated house
- AHTF “buydowns” of 2 affordable units at Merrimack Meadows

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## Local Initiative Program and AHTF/CPA Contributions



- Combined AHTF and CPA funding totaling \$500,000 for 32 affordable units at Villas at Meadowview
- AHTF contribution for Habitat for Humanity house on State Street
- AHTF contribution at Shawsheen Place to keep 20 affordable units and 77 units on Subsidized Inventory

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## Tewksbury's Housing Plans

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## 2003 Master Plan Housing Objectives



1. Housing preservation.
2. Neighborhood stabilization and reinvestment.
3. Developments designed for the use and enjoyment of neighborhood residents.
4. Developments designed for those who live and work in Tewksbury.
5. Provision of open space, parks and neighborhood facilities.
6. The suitability and affordability of homes for many types of households.

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## 2003 Master Plan Housing Policies



1. Housing preservation.
2. Mixed use development.
3. Local Housing Capacity.
4. Inclusionary zoning.
5. Zoning incentives.
6. Local initiatives.
7. Managing Chapter 40B.

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## 2006 Affordable Housing Plan

- **Preservation Strategies:** (On-going effort)
  - To preserve existing housing affordability, the Tewksbury Housing Partnership is recommending the following action:
  - Maintain the existing subsidized housing inventory through the exercising of the right of first refusal on resales of existing affordable units.
  - Pursue the purchase of units and provide a subsidized buy-down on the purchase price to qualified first-time home-buyers.
  - Pursue tax benefits for affordable deed restrictions.

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## 2006 Affordable Housing Plan

- **Reuse, Redevelop And Infill Strategies:**
  - Infill at Tewksbury Housing Authority with an affordable senior assisted living project. (Long-term 5 years)
  - Reuse Town owned residential buildings. (As available)
  - Partner with other organizations for infill on Town owned parcels upon completion of inventory update. (Long-term 5 years)
  - Encourage development of infill private sector affordable housing. (Ongoing, as appropriate)

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## 2006 Affordable Housing Plan

- **Master Plan Implementation Strategies:**
  - Zoning for mixed-use development (residential and commercial) in portions of the Commercial District, with deed-restricted affordable housing units. (Intermediate goal 3-4 years)
  - Targeted (area-specific) development, redevelopment and reuse strategies that include higher-density housing. (On-going)
  - “Local initiative” housing development. (Intermediate goal 3-4 years)
  - Modifications to Tewksbury’s existing inclusionary zoning to include cluster and single family developments. (The bylaw requirements currently apply to multi-family projects and open space residential developments.) This is currently under consideration of the Planning Board’s Zoning Bylaw Subcommittee-(Intermediate goal of 3 years)
  - Allow accessory apartments subject to an affordable housing deed restriction. (Short-term goal 1-2 years)

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## 2012 Affordable Housing Plan Goals



- Preserve Tewksbury’s existing housing affordability by providing a **mix of housing types and prices** that meet the needs of a variety of tenants and owners, including families and aging seniors, and units available for a wide range of incomes, especially below 80% of area median income.
- Continue to pursue creation of **workforce housing** and broaden the range of potential home-buyers and tenants. Continue to create rental units.

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(Workforce housing is a term commonly used to describe “housing for the occupations needed in every community, including teachers, nurses, police officers, fire fighters and many other critical workers.” This is typically defined as 80-120% AMI. Source: Center for Housing Policy, 2011 - <http://www.housingpolicy.org/>)

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## 2012 Affordable Housing Plan Goals (cont'd)



- Encourage the reuse and redevelopment of existing structures and infill development over new growth.
- Ensure that reuse activities respect the architectural integrity of historic buildings and provide good access to community services and Town infrastructure.
- Update development review and permitting policies so they are fair, clear, and consistent. **21**
- Coordinate Town boards and departments with permitting responsibilities and the Tewksbury Housing Authority in order to achieve consistency in the interpretation and administration of local affordable housing requirements.

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## 2012 Affordable Housing Plan Goals (cont'd)



- Ensure that affordable housing development in Tewksbury meets the state's Sustainable Development Principles.
- Monitor the progress of affordable housing production to ensure that the Town is meeting annual goals.
- Investigate opportunities to generate more funds for housing. **22**
- Address the housing needs of veterans and partner with local veterans' organizations to identify possible housing sites.

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# Tewksbury's Future Housing

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## 2015 Forward

1. Completion of **Master Plan Update** by Planning Board.
2. Local Housing Partnership should continue to develop strategies to address workforce housing.
3. Staff should work with local not for profits for affordable housing development.
4. Hire consultant to **recodify and update the Zoning Bylaw.**

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Important points:

- The town needs staff and local agency to work on affordable housing
- Accessory apartments are not counted as inventory

Town is exceptional as many communities have money but don't use it. Tewksbury has found a lot of creative ways to use the funds and produce more housing.

Scattered housing for single families would be a very good option for the town, i.e. Habitat for Humanity house on State Street. There is also a volunteer opportunity to have a citizens committee implemented to oversee these types of projects.

The Selectmen continue to support and want to be informed of the housing inventory. Because the economy has turned and a lot of development is on the table, affordable housing has caused concern for the community. Tewksbury has done a lot with housing trust fund and created activity to build. The Selectmen would like an annual report out of accomplishments. This could be a tool to educate and involve more of the community. The team will try to continue to regroup with the Board of Selectmen, Local Housing Partnership and the Planning Board to continue the momentum established.

Mr. Gay has had discussions with members of the team and feels the bylaws should be revisited and a closer look should be taken to Route 38 as the zoning is very close.

Compared to our suburban neighbors Tewksbury has more inventory available as sewer is available in the town this creates a lot more options to build creatively—utilities make a difference.

The Selectmen asked what a good percentage number is for the town. Mr. Sadwick responded the percentage is not the issue; it is where housing is located and what density is comfortable.

The Selectmen asked for Planning Board comments. Mr. Steven Johnson came forward and discussed education to the residents that affordable housing doesn't mean bad housing. The town has been fortunate to have developers come in with a genuine investment in the community.

Mr. Keith Anderson spoke and noted the amount of land the town owns would create more opportunities to attract developers. The Selectmen agreed but were not sure there is a market to build at this time. Mr. Anderson was also not sure what else could be done to educate residents on public housing, especially when the public embraces the concept but rejects it residing in their back yard. Lastly, he disagrees on any negative comments on Heatherwood as he has heard from many residents people love it. Longtime residents may not like these types of housing as they are not used to how it looks.

The Selectmen noted that earlier today they met with Secretary Jay Ash at request of the state delegation. This meeting focused on the needs of Route 38 and how it should evolve. Improvement of this major thoroughfare will lead to more housing, bring jobs, and add to the economy in Tewksbury.

Mr. Deackoff spoke about tonight's comments as they have been very enlightening especially regarding surplus land in Tewksbury. The Local Housing Partnership have been discussing this for last 10 years and trying to identify what parcels are available. Most parcels available are wet and not able to construct on easily, however, he believes there are many prospective developers who would want to build on Route 38.



The Selectmen asked if a veteran's assessment had been done recently. The team was not sure but noted there is not a need for veterans housing as much as there is a need for homeless veterans shelters and facilities for treatment of veterans after they have served.

All present feel that there is work to do and want to work together to create the best plan with the assets available to the town.

### **Residents**

Mr. John Cohan of 1320 Andover Street came forward to discuss the Frasier Lane and development happening there. He noted a developer bought this land to subdivide which has been done and currently the property is dormant. The property may have now been purchased by another developer—he was unsure. Residents have real concerns about what is taking place at this location. There were several residents present and the group would like to put forward an article on the warrant to take care of the following items: 1) amended bylaws to restrict the number of trucks entering a construction site; 2) improve blasting regulations; and 3) implement regulations or monitoring that if land is conveyed again the buyer needs to re-approach the town with plans for the property.

Mr. Johnson explained the Selectmen are not experts in this subject matter and have had a number of area residents expressing concerns on the matter as explained. Unfortunately, tonight's meeting was not the right forum to address changes. Residents will need to work with the Planning Board to address their concerns. Mr. Montuori announced there is a meeting planned with the current developer. It was also explained it's not possible to develop changes to the bylaw as quickly as stated, since the warrant is due to be complete in a couple weeks.

Mr. Cohan stated there were 80 trips just today. It was explained to Mr. Cohan, the developer can work on the site but does need a land disturbance permit. The property is an approved subdivision and work can take place. The hearing is scheduled with the Planning Board on August 31<sup>st</sup> on this matter.

Ms. Jennifer Clement of 1340 Andover Street stated a neighbor took video of truck loads starting at 7:00 a.m. and sometimes starting at 6:00 a.m. which is very upsetting.

The Town Manager will address this.

### **New Business**

#### **Town Clerk—request poll worker appointment**

A full roster was presented to the Selectmen.

**MOTION: Mr. Gay made the motion to approve the slate of poll workers, as presented by the Town Clerk, for appointment through August 2016; seconded by Mr. Johnson and the motion carried 3-0. Mr. Panilaitis was not present for this vote.**

#### **Disclosure by Municipal Employee—Lorraine Carriere**

The disclosure was presented to the Selectmen with note that she is a town elected official.

**MOTION: Mr. Gay made the motion to acknowledge the disclosure by Ms. Lorraine Carriere; seconded by Mr. Panilaitis and the motion carried 4-0.**

**Mass Cultural Commission—term for appointments**

The Board of Selectmen previously took votes on these appointments all for a one-year terms, but statute is for a three-year term and the votes needs to be corrected.

**MOTION: Mr. Panilaitis made the motion to appoint Erin Buckley, John Buckley and Patricia Stratis to the Massachusetts Cultural Commission for a three-year term through June 30, 2018; seconded by Mr. Kratman and the motion carried 4-0.**

**Historic Commission—term for appointments**

The terms of the Historic Commission have been resolved with a new appointment cycle. Two members will be appointed for three (3) year terms, two members will be appointed for two (2) year terms, and one member will be appointed for a one (1) year term. Mr. Warren Carey has also requested permission to be reappointed as the Town Historian, and this request is recommended by the Town Manager.

**MOTION: Mr. Panilaitis made the motion to reappoint Mr. Warren Carey, Town Historian for a one-year term through June 30, 2016; Mr. William Wyatt for a one-year term through June 30, 2016; Mr. Michael Hurton and Ms. Eileen McDonagh for a two-year term through June 30, 2017; and Mr. Robert A. Hunter and Mr. Thomas Churchill for a three-year term through June 30, 2018; seconded by Mr. Kratman and the motion carried 3-1 with Mr. Gay opposed to this vote.**

**Salvation Army Cycling Event—request permission for event**

The Selectmen's office has received an application for a portion of a cycling event sponsored by the Salvation Army to be held in Tewksbury on Saturday, September 12, 2015. The portion of the race will be 1.8 miles from Boylston Street to North Billerica Road and then onto High Street.

**MOTION: Mr. Gay made the motion to approve the application for the Salvation Army Cycling Event to be held on September 12, 2015 as presented; seconded by Mr. Panilaitis and the motion carried 4-0.**

**TFS Newco LLC d/b/a/ Tedeschi Food Shop #37501—Common Victualler Application**

Tedeschi Food Shop, Inc. is in the process of corporate restructuring and will move all licenses to a newly formed subsidiary called TFS Newco LLC, which is in preparation for a future sale to 7-Eleven, Inc. All current TFS Newco LLC stores will remain as operator and licensee until the store is renovated by 7-Eleven later in 2015. At that time the stores will be rebranded to 7-Eleven.

**MOTION: Mr. Gay made the motion to approve the Common Victualler Application for TFS Newco LLC d/b/a/ Tedeschi Food Shop #37501 located at 2280 Main Street; seconded by Mr. Panilaitis and the motion carried 4-0.**

**Town Manager**

No report this evening.

**Outstanding Minutes: July 14, 2015 (regular & executive session)**

**MOTION: Mr. Kratman made the motion to approve the minutes of July 14, 2015 (regular & executive session); Mr. Panilaitis seconded and the motion carried 3-0, with Mr. Gay not voting.**

**Board Member Reports**

James Wentworth

Mr. Wentworth was not present this evening.

Mark Kratman

Mr. Kratman did not give a report this evening.

David Gay

Public Events Committee is actively working on the Annual Harvest Festival and is still looking for volunteers to help and residents to attend on Sunday, September 13<sup>th</sup> at Livingston Fields

Bruce Panilaitis

Town Center Master Plan Committee will hold a public visioning session on Tuesday, September 15 at the Senior Center

Todd Johnson

Mr. Johnson did not give a report this evening.

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The next regular meeting will be held on September 15, 2015 at 7:00 p.m. The Selectmen will meet on August 26<sup>th</sup> for a NMCOG presentation.

***Adjournment***

**MOTION: Mr. Gay made the motion to adjourn at 9:33 p.m.; Mr. Panilaitis seconded, and the motion carried 4 to 0.**

*Approved by the Board of Selectmen on September 29, 2015*